**TRANSMITTAL  
FORM***(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission 38

Application Number	10/082,920
Filing Date	02/25/2002
First Named Inventor	Leonard Pinchuk
Art Unit	3738
Examiner Name	Paul B. Prebilic
Attorney Docket No.	BSI-507US

**ENCLOSURES (Check all that apply)**

- ☐ Fee Transmittal Form  
☐ Fee Attached
- ☐ Amendment/Reply  
☐ After Final  
☐ Affidavits/Declaration(s)

- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
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- ☐ Response to Missing Parts/  
Incomplete Application  
☐ Response to Missing Parts under  
37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
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- ☐ Petition to Convert to a  
Provisional Application
- ☐ Power of Attorney, Revocation,  
Change of Correspondence  
Address
- ☐ Terminal Disclaimer
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- ☐ After Allowance Communication  
to Group
- ☐ Appeal Communication to Board  
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- ☒ Appeal Communication to Group  
(Appeal Notice, Brief, Reply  
Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please  
identify below): 2 pg.  
Communication; 2 pg. copy of  
Notification of Non-Compliance  
with 37 C.F.R. § 1.192(c)

**Remarks:****SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**Firm or  
Individual  
Name

Jonathan H. Spadt

Registration No. (Attorney/Agent)

45,122

Signature

Date

10/5/2004

**CERTIFICATE OF TRANSMISSION / MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

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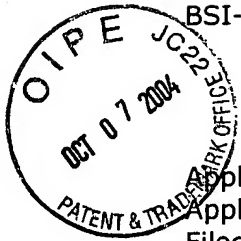
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10/5/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

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BSI-507US

- 1 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/082,920  
Applicant: Leonard Pinchuk  
Filed: February 25, 2002  
Title: A Method of Treating An Aneurysm  
T.C./A.U.: 3738  
Examiner: Paul B. Prebilic  
Confirmation No.: 3520  
Notice of Appeal Filed: May 14, 2004  
Docket No.: BSI-507US

**COMMUNICATION**

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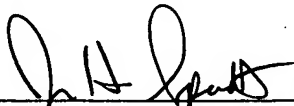
S I R :

This Brief is filed in response to the Notification of Non-Compliance with 37 C.F.R. § 1.192(c) of September 28, 2004 (copy enclosed).

Appellants have clarified the concise explanation of the claimed invention by referring to the specification by page and line number and to the drawings in compliance with 37 C.F.R. § 1.192(c)(5). The Appellants also have included an Appendix containing a correct copy of the appealed claims under 37 C.F.R. § 1.192(c)(9).

This Brief is being filed in triplicate, in compliance with all the provisions of 37 C.F.R. § 1.192(c), and within one (1) month from the date of the Notification.

Respectfully submitted,

  
\_\_\_\_\_  
Jonathan H. Spadt, Reg. No. 45,122  
Christian M. Bauer, Reg. No. 51,443  
Attorneys for Applicant

Dated: October 5, 2004

Encls.: Appeal Brief (in triplicate)

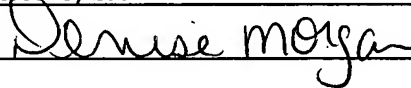
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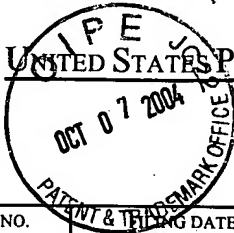
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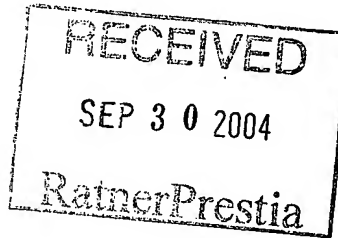
APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,920	02/25/2002	Leonard Pinchuk	BSI-507US	3520

23122 7590 09/28/2004

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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 09/28/2004

Resp. due (30 days)  
10/28/04  
/Rom

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

10/082,920

Applicant(s)

PINCHUK, LEONARD

Examiner

Paul B. Prebille

Art Unit

3738

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 14 July 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

In addition to the claims not being in an appendix (item 8), the copy of claim 4 is not correct in that the term "stent" is used where —stent-graft— ought to be.

  
Paul B. Prebille  
Primary Examiner